

**In The Senate of The United States  
Sitting as a Court of Impeachment**

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**In re:**

**Impeachment of G. Thomas Porteous, Jr.,  
United States District Judge for the  
Eastern District of Louisiana**

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**JUDGE G. THOMAS PORTEOUS, JR.'S REQUESTS FOR  
SUBPOENAS AND IMMUNITY**

**NOW BEFORE THE SENATE**, comes Respondent, the Honorable G. Thomas Porteous, Jr., a Judge of the United States District Court for the Eastern District of Louisiana, and files his requests for subpoenas and immunity for witnesses to be called during the evidentiary hearing in this matter.<sup>1</sup> Like the House Managers, Judge Porteous reserves the right to seek additional subpoenas if such becomes necessary during the trial preparation process. (See Supplemental Filing by the House of Representatives in Support of its Preliminary Requests for Subpoenas and Immunity (dated June 30, 2010) at n. 2, requesting the same.)

Judge Porteous requests that the United States Senate subpoena the following individuals to testify at the evidentiary hearing in this matter:

1.     **John M. Mamoulides** – Judge Porteous expects former Jefferson Parish District Attorney Mamoulides to testify about Judge Porteous's appointment to the state bench, his experience and relationship with Judge Porteous as a state court judge, the practice of setting bonds in Jefferson Parish, the manner in which Assistant District Attorneys interacted with state court judges in Jefferson Parish, including Judge Porteous, and the overall relationships between

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<sup>1</sup>     There are a number of witnesses, including certain experts, that Judge Porteous intends to call to testify at the evidentiary hearing who do not require either a subpoena or immunity. Per the Committee's June 21, 2010 Order, Judge Porteous will submit a list of all witnesses that he intends to call to testify at the evidentiary hearing on August 5, 2010.

state court judges and other participants in the Jefferson Parish legal system during the relevant time period.

2. **Judge M. Joseph Tiemann** – Judge Porteous expects Judge Tiemann to testify about his experience and relationship with Judge Porteous, as well as the practices of Jefferson Parish judges, during the relevant time period, in setting bonds and in interacting with others participants in the legal system.

3. **S. J. Beaulieu, Jr.** – Judge Porteous expects Mr. Beaulieu, the Trustee in his bankruptcy proceeding, to testify about the facts and circumstances regarding the Porteouses' bankruptcy. This includes, but is not limited to, an overview of the history of that bankruptcy proceeding, the applicable legal standards, Mr. Beaulieu's communications with Judge Porteous, his instructions to Judge Porteous, his evaluation of the seriousness of the mistakes made by Judge Porteous during the bankruptcy proceedings, his experience with other bankruptcies, and his communications with Judge Porteous's bankruptcy counsel and others with regard to the Porteouses' bankruptcy proceeding.

4. **Henry Hildebrand** – Judge Porteous expects Mr. Hildebrand to testify as an expert with regard to the allegations in Article III and Chapter 13 bankruptcy petitions generally, including applicable legal principles, standards, and practices relating to personal bankruptcies during the relevant time period. Mr. Hildebrand's expert testimony will specifically focus on his experience as a current Chapter 13 Trustee.

5. **Judge Ronald Barliant** – Judge Porteous expects former United States Bankruptcy Judge for the Northern District of Illinois Ronald Barliant to testify as an expert on issues related to Article III, including the applicable legal principles, standards, and practices

relating to personal bankruptcies during the relevant time period. Judge Barliant's expert testimony will specifically focus on his experience as a former federal bankruptcy judge.

6. **Dianne Lamulle** – Judge Porteous expects Ms. Lamulle to testify about her handling of curatorships assigned to Robert Creely and her interactions with Judge Porteous and his office.

7. **Michael Porteous** – Judge Porteous expects Michael Porteous to testify about his Court delivery service and his interactions with Louis and Lori Marcotte.

8. **Professor Dane S. Ciolino** – Judge Porteous expects Professor Ciolino to testify as an expert on issues related to the traditions and practices of bond-setting in Jefferson Parish and in the State of Louisiana during the relevant time period. Professor Ciolino is also expected to testify about applicable judicial and ethical standards.

9. **Professor G. Calvin Mackenzie** – Judge Porteous expects Professor Mackenzie to testify as an expert regarding the use of SF-86's, FBI background checks, the federal appointments process, and Senate confirmations.

10. **Robert Rees** – Judge Porteous expects Mr. Rees to testify about the facts and circumstances surrounding the setting aside of Aubrey Wallace's conviction and the expungement of his record, as well as the general practices in Jefferson Parish regarding the setting aside of convictions and expungements.

11. **Melinda Kring (Pourciau)** – Judge Porteous expects Ms. Kring to testify about her work at Bail Bonds Unlimited, her observations of the Marcottes, their interactions with Judge Porteous, and their interactions with other judges and state and federal officials.

12. **Suzette Lacour Powers** – Judge Porteous expects Ms. Powers to testify about her experience and observations as a law clerk to Judge Porteous during his time on the state and federal bench.

13. **Susan Hoffman, LCSW** – Judge Porteous expects Ms. Hoffman to testify with regard to Judge Porteous's psychiatric and mental health conditions, including depressive and anxiety disorders, as well as his course of treatment for those conditions.

14. **James Barbee, M.D.** – Judge Porteous expects Dr. Barbee to testify with regard to Judge Porteous's psychiatric and mental health conditions, including depressive and anxiety disorders, as well as his course of treatment for those conditions.

15. **Adam Barnett** – Judge Porteous expects Mr. Barnett to testify about his experiences and observations working with the Marcottes and his interactions with Judge Porteous with regard to the setting and splitting of bonds.

16. **Daniel A. Petalas, Esq.** – Judge Porteous expects Mr. Petalas, an attorney with the Public Integrity Section of the Department of Justice, to testify about the government's investigations of Judge Porteous, the decision not to prosecute Judge Porteous, and communications Mr. Petalas had with members of the Fifth Circuit Court of Appeals.

17. **Peter S. Ainsworth, Esq.** – Judge Porteous expects Mr. Ainsworth, an attorney with the Public Integrity Section of the Department of Justice, to testify about the government's investigations of Judge Porteous and the decision not to prosecute Judge Porteous.

The defense does not request that any of the witnesses listed above be granted immunity in connection with their testimony. Judge Porteous will provide contact information for the witnesses listed above under separate cover.

In its Preliminary Witness Designation and Requests for Subpoenas and Immunity (dated June 8, 2010), the House of Representatives included certain witness that, if not called by the House, will likely be called by the defense. Although duplicative requests for subpoenas and/or immunity is unnecessary, Judge Porteous has included the names of those witnesses (without duplicative summaries of expected testimony) below.<sup>2</sup>

18. **Jacob Amato, Jr.**
19. **Robert Creely**
20. **Louis Marcotte**
21. **Lori Marcotte**
22. **Joseph Mole**
23. **Donald Gardner**
24. **Michael Reynolds**
25. **Bruce Netterville**
26. **Ronald Bodenheimer**
27. **Leonard Levenson**
28. **Claude Lightfoot**
29. **Rhonda Danos**

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<sup>2</sup> The House also listed Judge Porteous on its list of witnesses requiring both a subpoena and immunity and today filed a pleading regarding the propriety and precedent of compelling the accused to testify in an impeachment proceeding. As previously stated, Judge Porteous opposes any attempt by the House to compel his testimony, in violation of his Fifth Amendment rights. Whether Judge Porteous will testify in his own defense, as opposed to being compelled, is an open question that will depend on a number of factors, including the time allotted for the evidentiary hearing. Regardless, Judge Porteous would require immunity as a prerequisite to testifying. The defense does not believe that a subpoena is either appropriate or necessary.

Judge Porteous reserves the right to call any witnesses not listed above but who are listed on the House of Representatives' witness list. Judge Porteous also reserves the right to call witnesses not listed above that are otherwise required to serve as rebuttal witnesses.

Respectfully submitted,

/s/ Jonathan Turley

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Dated: August 2, 2010

## **CERTIFICATE OF SERVICE**

I hereby certify that on August 2, 2010, I served copies of the foregoing by electronic means on the House Managers, through counsel, at the following email addresses:

Alan Baron – [abaron@seyfarth.com](mailto:abaron@seyfarth.com)

Mark Dubester – [mark.dubester@mail.house.gov](mailto:mark.dubester@mail.house.gov)

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/s/ Daniel T. O'Connor

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